

1 Benjamin C. Deming (State Bar No. 233687)  
bdeming@rutan.com  
2 Hani Z. Sayed (State Bar No. 224233)  
hsayed@rutan.com  
3 RUTAN & TUCKER, LLP  
611 Anton Boulevard, Suite 1400  
4 Costa Mesa, California 92626-1931  
Telephone: 714-641-5100  
5 Facsimile: 714-546-9035

6 Attorneys for Plaintiff  
NIAGARA BOTTLING, LLC  
7

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 NIAGARA BOTTLING, LLC, a  
Delaware limited liability company,  
12  
13 Plaintiff/Counterclaim  
Defendant,  
14 vs.  
15 ALKA PRODUCTS, INC., a California  
Corporation,  
16 Defendant/Counterclaim  
17 Plaintiff.

Case No. 5:17-cv-01688

**NIAGARA BOTTLING, LLC'S  
ANSWER TO COUNTERCLAIMS**

**DEMAND FOR JURY TRIAL**

Date Action Filed: August 21, 2017  
Trial Date:

18 Plaintiff/Counterclaim Defendant NIAGARA BOTTLING, LLC ("Niagara")  
19 answers Defendant/Counterclaim Plaintiff ALKA PRODUCTS, INC. ("Alka  
20 Products") Counterclaims as follows:

21 **ANSWER TO COUNTERCLAIMS**

22 25. This paragraph does not contain allegations and as such Niagara  
23 believes that no response is required to this paragraph. To the extent an answer is  
24 required, Niagara denies the allegations in this paragraph.

25 **THE PARTIES**

26 26. Admit.

27 27. Admit.  
28

**JURISDICTION AND VENUE**

28. Admit.

29. Admit.

30. Admit.

**GENERAL ALLEGATIONS**

31. Niagara is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 31, and therefore denies them.

32. Niagara admits that Alka Products markets its drinking water under the brand Alka Power. Niagara admits that Alka Products advertises the Alka Power products as having a pH in the range of 9-10. Niagara is without knowledge or information sufficient to form a belief as to the remainder of the allegations set forth in paragraph 32, and therefore denies them.

33. Admit.

34. Denied.

35. Admit.

**FIRST COUNTERCLAIM**

**(Declaratory Judgment of Non-Infringement of U.S. Patent No. 6,572,902)**

36. Niagara incorporates its responses to the above paragraphs herein by reference.

37. Admit.

38. Denied.

39. Denied.

40. Denied.

//

//

//

//

//

